
EXHIBIT D

Benjamin Kaye



Honorable Judge Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
NY, NY 10007

February 12, 2023

Dear Judge McMahon,

Re: Filippo Bernardini

My name is Benjamin Kaye, and I am Filippo's 'life partner' of almost eight years. I am a 44-year-old gay, Jewish man who attended orthodox Jewish schools until the age of 18. It was there that I gained an ethical foundation which instilled in me the moral approach to life required to be a good, decent, law-abiding upstanding member of society. This has stuck with me ever since.

I am an only child and I come from a warm, loving family with a strong principled code, where doing the 'right thing' comes naturally and is expected. I am lucky that despite their age and ill health, both of my parents are alive; they live close to Filippo and me in northwest London. As well as the unconditional and immeasurable love and support that my parents have for me as their only son, they have developed the same for Filippo during our time together, and they 100% stand behind him and his rehabilitation – whatever it takes!

For the last 20-plus years, I have worked as an internal audit professional; ethics and integrity are core principles in my professional standards, and I won't be compromised. For the last few years, I have been employed by a large US-based food manufacturer listed on the NYSE as an Internal Audit Director. Without my deep-rooted beliefs in ethics and integrity, I would have no standing in my chosen profession. My role often has me investigating and reporting on potential crimes and wrongdoing affecting my organisation as well as assessing and opining on individuals' behaviours and values within the work environment. I know right from wrong, and I also know the difference between people that have undertaken an isolated set of wrongdoings over a defined period, versus people that are rotten to their core, Filippo is the former.

Until last year I was the Chairman of the Board of Woodlands Special School in the London borough of Harrow which caters for 135 pupils from underprivileged backgrounds who have a wide range of complex and profound learning difficulties. Following the upheaval resulting from Filippo's situation, I have taken a less intensive and time-consuming role as a board member at large. These very special children

have severe autism, complex medical conditions, physical and mobility difficulties, as well as severe developmental delay, they bring me such joy and Filippo and I love visiting the school. Now that Filippo has received an [REDACTED], it gives this outstanding school an even deeper place in my heart.

Filippo's parents are both extremely conservative, law-abiding citizens, they divorced when Filippo was very young, and their ongoing discord and old-fashioned values have deeply affected Filippo. His parents have been mostly absent and unhelpful during the past year while Filippo has been living alone in New York. This apparent lack of concern in my opinion is due to the fact that they have never accepted or condoned Filippo's homosexuality and therefore have never accepted Filippo due to their strong religious beliefs.

Filippo has identified as gay since his early teens and although he has never formally 'come out' to his parents they realised he was gay early on. His parents are both also continually concerned about what people in their small town will think and say about things, especially something as 'controversial' as having a homosexual son. To me, his parents are more concerned about what their friends, neighbours and fellow townspeople know and think about this situation than Filippo's welfare during this turbulent time.

Filippo's closest family bond is with his maternal grandparents (Quirino and Fermina) with whom he lived until he left home. They effectively raised him because of a mostly absent father and always working mother. Quirino and Fermina are now getting very old, Quirino suffers from ill health, and they have both been very upset and troubled by Filippo's situation. They have felt helpless in their inability to assist their only grandson during these troubling times. They only want to be able to see and hold their only grandson before the unspeakable happens.

As a result of his parents' views and attitudes, Filippo left home straight after high school to go to a prestigious university in Milan, 300 miles from home. He attained a bachelor's in languages, after which at the age of 23 moved to the UK to study for a master's in publishing at an esteemed London university. Getting into courses at both universities is a testament to Filippo's academic prowess and natural affinity with languages and the written word.

Filippo and I met in 2015, shortly after he moved to London. I very quickly understood what type of person he was – a kind, loving, introspective, clean-living young man striving to be accepted by those around him and looking to find a deep and lasting relationship. Filippo is so sweet and lovely; he baked cookies for me on our first date. That day I also found out that he does not drink alcohol or caffeine and would never take drugs; Filippo won't even take prescription medication unless it is absolutely necessary. It was immediately apparent to me, even with an untrained eye that Filippo was [REDACTED] spectrum, and this became even more obvious the more I got to know him. I found this endearing and have always just loved and cherished him for who he is, and I know that he feels the same about me.

In Filippo, I have found a partner for life. We deeply love and care for each other and our four-year-old French bulldog – Dolly. She is like a child to us and Filippo cries almost daily on our video calls about his separation from her. This situation has turned her life upside down, just as it has ours.

Filippo is a loving and caring son-in-law to my parents, both of whom suffer from ill health. Over the years that Filippo and I have been together, they have been in and out of hospital for various conditions. When they are unwell, Filippo visits them daily, taking food and drinks or (before Covid) spending time with them, keeping them company, and helping them avoid boredom and recover faster. I don't know what I or my parents would have done without his constant love and support. In December 2020 I was hospitalised for eight days with [REDACTED] Filippo brought me food and drink every day, took care of my parents, and spent hours on the phone with me reassuring me that everything would be OK. I didn't think I would make it out of the hospital alive but with Filippo's love and support I made a full recovery.

Filippo is also extremely generous. When I lost my job in the summer of 2018 Filippo supported us financially for several months until I found new employment. Despite having a low-paying job, Filippo was able to cover our living expenses. Filippo also has helped his mother financially wherever possible over the last two years when the income from her guest house dried up due to Covid, this is despite her attitude towards him.

Filippo is truly devastated about his current situation. He is ashamed of the harm he has caused and feels he has let down those he cares about the most. I know that Filippo is full of remorse for what he did, and he realises and acknowledges the magnitude of what he has been convicted of. I am certain that together we have the strength, determination, and tools at our disposal to help him to turn over a new leaf. Filippo is a very keen amateur chef and baker focused on veganism and nutrition. We are currently exploring various options for culinary careers for Filippo to consider upon his return to the UK (if he is allowed to stay in the UK).

Over the last year, it has been confirmed by a professional [REDACTED] [REDACTED], in retrospect, helps me to understand many of Filippo's attributes that I have observed and lived with over the years – both charming and challenging as well as those that likely contributed towards Filippo's offence. In fact, regrettably, Filippo has earned the moniker of 'The Spine Collector', [REDACTED] [REDACTED] This has struck a chord with Filippo, he really dislikes the term, [REDACTED] which he has not yet had a chance to get used to or learn how to manage. My friends and family and I are committed to helping Filippo find and engage with resources and professional support in the UK that are directly catered to [REDACTED]

As Filippo has lost his job and associated income and is not permitted to work while in the USA, Filippo's situation has crippled us financially – we have lost his income, amassed tens of thousands of dollars of expenses in the USA, and of course, he will owe a substantial sum in restitution. For the last year, due to this predicament, [REDACTED]
[REDACTED]

Filippo has been 'incarcerated' since January 6, 2022. While he may not be in a prison cell he is 'stuck' in a city, state and country with no friends or family, with an ankle monitor, curfew and no access to any healthcare. It doesn't end there; Filippo will continue to feel the effects of his crimes for the rest of his life. Additionally, we do not know if he is also 'wanted' in the UK, Italy or in any other country for the same crimes, this will have him always looking over his shoulder. Filippo's previous career in

publishing is over, and now, due to his criminal record, there are certain careers that he will be unable to pursue.

Furthermore, if Filippo is given a custodial sentence this could jeopardise his ability to remain in the UK (where he currently has indefinite leave to remain) or to apply for UK citizenship. Since the UK has left the European Union, and because I have no eligibility to relocate to Italy, if Filippo cannot stay in the UK, he and I will likely be separated for a very long period, maybe years. This would devastate us.

I am appealing to you from the bottom of my heart not to give Filippo a custodial sentence and to facilitate his safe passage back to the UK by allowing him to leave the USA immediately of his own accord. I can assure you that Filippo has truly learned his lesson and is already rehabilitated. I am terrified about what may happen to Filippo if he is incarcerated. Filippo – a homosexual, [REDACTED] Italian man will not do well in a US jail. He will have very few if any visitors. But what terrifies me the most is the prospect of Filippo being bullied or suffering physical, mental, or even sexual abuse.

Filippo is an inherently good person who has struggled with being different throughout his life. As his partner, I am committed to ensuring that Filippo stays on the 'straight and narrow' for the rest of his life. Should you wish to discuss or have me elaborate on any of the items in this letter, I would be happy to do so. As I tell Filippo constantly, he is my whole life.

Yours respectfully,

A handwritten signature in blue ink, appearing to read "Benjamin Kaye".

Benjamin Kaye